

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP
954-797-1101

SUBJECT: Ordinance

ZB 5-1-99 Corrective rezoning ordinance for the subject parcel known as the
Truck Stop.

Generally located south of I-595 to the east of the Florida turnpike/I-595
Interchange, to the west of Burris Road and to the north of the old State Road 84 spur road.

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2000-9 WHICH WAS AN ORDINANCE CHANGING THE CLASSIFICATION OF LANDS WITHIN THE TOWN FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), A-5, AGRICULTURAL-EXCAVATION DISTRICT (COUNTY), M-3 GENERAL INDUSTRIAL DISTRICT (HACIENDA VILLAGE), AND M-4 LIMITED HEAVY INDUSTRIAL DISTRICT (COUNTY), TO TS, PLANNED TRUCK STOP DISTRICT; AMENDING THE TOWN'S ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This ordinance is a corrective ordinance for a rezoning request which included a portion of property, the State Road 84 Spur Road, in the legal description and attached survey, which should not have been included, since the property is not owned by the petitioner. The previous ordinance rezoned approximately 44.558 acres from various County and Hacienda village zoning designations to the Town's Planned Truck Stop (TS) district. The removal of the State Road 84 Spur road, reduces the overall acreage of the site to 32.86 acres.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

FISCAL IMPACT:

Has request been budgeted? yes no

 If yes, expected cost: \$

 Account Name:

 If no, amount needed: \$

 What account will funds be appropriated from:

 Additional Comments:

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance, legal description, survey.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2000-9 WHICH WAS AN ORDINANCE CHANGING THE CLASSIFICATION OF LANDS WITHIN THE TOWN FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), A-5, AGRICULTURAL-EXCAVATION DISTRICT (COUNTY), M-3 GENERAL INDUSTRIAL DISTRICT (HACIENDA VILLAGE), AND M-4 LIMITED HEAVY INDUSTRIAL DISTRICT (COUNTY), TO TS, PLANNED TRUCK STOP DISTRICT; AMENDING THE TOWN'S ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council on the 1st day of March, 2000, adopted Ordinance 2000-9 which was intended to rezone property generally located off Oakes Road and I-595; and

WHEREAS, Section 1 of Ordinance 2000-9 contains an error rezoning a portion of property, specifically the State Road 84 Spur Road, not intended to be rezoned from M-4 (County) to TS; and

WHEREAS, the Town of Davie wishes to clarify and correct the reference in Section 1 of Ordinance 2000-9.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That Section 1 of Ordinance 2000-9 is hereby amended to include a new legal description and attached location sketch, described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

Mayor/Councilmember

ATTEST:

Town Clerk

APPROVED THIS _____ DAY OF _____, 2001.

EXHIBIT A

SURVEY NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO THE PLAT OF "THE FOUNDATION PLAT" (PLAT BOOK 158, PAGE 36, BROWARD COUNTY RECORDS), WITH A REFERENCE BEARING OF SOUTH 87° 37' 48" EAST ALONG THE NORTH LINE OF TRACT "D".
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS SKETCH IS NOT A BOUNDARY SURVEY AS SUCH.

LAND DESCRIPTION

A PORTION OF "FERNCREST RIDGE" PLAT BOOK 49, PAGE 29, BROWARD COUNTY RECORDS AND A PORTION OF TRACT 3, T11R 13 AND A PORTION OF TRACT 2, T11R 7, "NEWMAN'S SURVEY" PLAT BOOK 2, PAGE 26, MIAMI DADE COUNTY RECORDS AND A PORTION OF SUNSHINE STATE PARKWAY (STATE ROAD 84 SPUR), FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 97860-2324 (BROWARD COUNTY, FLORIDA) AND A PORTION OF FLORIDA TURNPIKE/INTERSTATE 595 (1-595), FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 86095-2401, BROWARD COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID "FERNCREST RIDGE" PLAT SAID POINT ALSO BEING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 84 SPUR; THENCE NORTH 89° 30' 15" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 295.52 FEET TO THE SOUTHEAST CORNER OF TRACT "D" OF "THE FOUNDATION PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 158, PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE CONTINUE NORTH 89° 30' 15" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 296.78 FEET; THENCE SOUTH 14° 55' 15" WEST, 240.24 FEET TO A POINT ON THE EAST LINE OF SAID "THE FOUNDATION PLAT"; SAID POINT ALSO BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, (A RADIAL BEARING TO SAID POINT BEARS SOUTH 75° 06' 47" EAST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 105° 25' 15", AN ARC DISTANCE OF 45.48 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 84 SPUR THE FOLLOWING SEVEN (7) COURSES: (1) THENCE SOUTH 89° 30' 15" WEST, 1205.19 FEET; (2) THENCE SOUTH 82° 22' 49" WEST, 201.59 FEET; (3) THENCE SOUTH 89° 30' 15" WEST, 300.05 FEET; (4) THENCE NORTH 8° 45' 59" WEST, 301.09 FEET; (5) THENCE SOUTH 89° 32' 03" WEST, 91.85 FEET; (6) THENCE SOUTH 79° 56' 45" WEST, 103.55 FEET; (7) THENCE SOUTH 80° 00' 56" WEST, 232.10 FEET; THENCE NORTH 39° 57' 15" EAST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE 55.31 FEET; THENCE NORTH 40° 47' 56" EAST, 216.14 FEET; THENCE NORTH 24° 40' 10" EAST, 86.97 FEET; THENCE NORTH 24° 40' 10" EAST, 121.41 FEET; THENCE NORTH 23° 11' 04" EAST, 381.24 FEET; THENCE NORTH 28° 15' 46" EAST, 315.17 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH EAST, HAVING A RADIUS OF 799.03 FEET, (A RADIAL BEARING TO SAID POINT BEARS NORTH 61° 44' 14" WEST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43° 04' 34", AN ARC DISTANCE OF 600.71 FEET; THENCE SOUTH 75° 16' 34" EAST, 125.00 FEET TO A POINT LYING ALONG THE SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID INTERSTATE 595 (1-595); SAID POINT ALSO BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 516.00 FEET, (A RADIAL BEARING TO SAID POINT BEARS NORTH 33° 31' 55" EAST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 52' 25", AN ARC DISTANCE OF 486.21 FEET; THENCE SOUTH 39° 19' 40" WEST, DEPARTING SAID SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE, 35.02 FEET; THENCE SOUTH 16° 31' 22" EAST, 10.90 FEET; THENCE SOUTH 33° 09' 22" WEST, 36.48 FEET; THENCE SOUTH 07° 19' 05" EAST, 34.88 FEET; THENCE SOUTH 14° 50' 12" WEST, 10.83 FEET TO A POINT LYING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE 595 (1-595); THENCE SOUTH 14° 50' 12" WEST, 365.55 FEET TO THE NORTHERLY MOST NORTHEAST CORNER OF SAID TRACT "D" OF "THE FOUNDATION PLAT"; THENCE NORTH 87° 37' 48" WEST, ALONG THE NORTH LINE OF SAID TRACT "D", 532.48 FEET; THENCE CONTINUE NORTH 75° 10' 10" WEST, ALONG THE NORTH LINE OF SAID TRACT "D", 79.86 FEET TO THE NORTHWEST CORNER OF SAID TRACT "D"; THENCE SOUTH 14° 51' 02" WEST, ALONG THE NORTH LINE OF SAID TRACT "D", 250.02 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "D"; SAID POINT ALSO BEING ALONG THE SOUTH LINE OF SAID "FERNCREST RIDGE"; THENCE NORTH 89° 30' 15" EAST, 622.49 FEET TO THE POINT OF BEGINNING.

LESS THEREFROM:

PUBLIC RIGHT-OF-WAY FOR SUNSHINE STATE PARKWAY (STATE ROAD 84 SPUR) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 97860-2324.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION AS DELINEATED UNDER MY DIRECTION ON MAY 04, 1999. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH AND SCHNARS, P.A.
ENGINEERS & MAPPERS - SURVEYORS

BY: ROBERT K. KRISAK, P.E., S.M.
FLORIDA REGISTRATION NO. 4641

SKETCH OF DESCRIPTION

A PORTION OF "FERNCREST RIDGE" PLAT BOOK 49, PAGE 29, B.C.R.C.
AND A PORTION OF TRACT 3, T11R 13, "NEWMAN'S SURVEY" PLAT BOOK 2, PAGE 26, M.D.C.R.C.
AND A PORTION OF SUNSHINE STATE PARKWAY (STATE ROAD 84 SPUR), I.D.D. 3, I/W MAP SECTION 97860-2324
BROWARD COUNTY, FLORIDA

DATE 5/03/99

SCALE 1" = 300'

FIELD BK. N.A.

DRAWN BY K.W.D.

CHECK BY R.K.K.

REVISIONS

DATE 4/20/00
LESS 50.84
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KEITH and SCHNARS, P.A.

ENGINEERS & MAPPERS - SURVEYORS
200 N. W. 11th Ave., Suite 1000
Fort Lauderdale, FL 33301-2000

SHEET NO. 1 OF 3 SHEETS

DRAWING NO. 151351

151351.dwg

LINE TABLE

Line No.	Bearing	Distance
1	N 89°30'15" E	295.52'
2	N 89°30'15" E	296.78'
3	S 14°53'13" W	240.24'
4	S 89°30'15" W	1205.19'
5	S 82°22'49" W	201.59'
6	S 89°30'15" W	300.05'
7	N 85°43'59" W	301.09'
8	S 89°52'03" W	93.85'
9	S 79°56'43" W	103.55'
10	S 80°00'56" W	232.10'
11	N 39°57'13" E	55.35'
12	N 40°47'56" E	216.14'
13	N 24°40'10" E	86.97'
14	N 24°40'10" E	121.31'
15	N 23°11'03" E	381.25'
16	N 28°15'46" E	315.17'
17	S 75°16'34" E	725.00'
18	S 39°19'40" W	35.02'
19	S 16°31'22" E	10.90'
20	S 33°09'22" W	36.38'
21	S 07°19'05" E	34.88'
22	S 14°50'12" W	10.83'
23	S 14°50'12" W	365.55'
24	N 87°37'48" W	532.98'
25	N 75°10'10" W	79.86'
26	S 14°51'02" W	250.02'
27	N 89°30'15" E	622.49'

CURVE TABLE

Curve No.	Radius	Length	Delta	Tangent
C-1	25.00'	45.98'	105°23'13"	52.81'
C-2	799.03'	600.13'	43°04'34"	315.36'
C-3	5716.08'	486.21'	04°52'25"	243.25'

SKETCH OF DESCRIPTION

A PORTION OF TERNOWSKI
 TRACT 3, P.B. 49, PG. 29, B.C.R.I.
 AND A PORTION OF TRACT 3, T.B. 13,
 "NEWMAN'S SURVEY" P.B. 2, PG. 26, M.D.C.R.I.
 AND A PORTION OF SUNSHINE STATE
 PARKWAY (STATE ROAD 84 SPUR)
 F.D.O.T. R/W MAP SECTION 9860-2424
 (BROWARD) COUNTY, FLORIDA

DATE 5/01/99

SCALE 1" = 300'

FIELD NO. N.A.

DOWNG. BY K.W.D.

CHK BY R.K.K.

DATE _____

11-11-11

1

100

100

REVIEWS

55 59 64

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[illegible]



KEITH L. SCHINADS DA

FROM THE U.S. DEPARTMENT OF AGRICULTURE

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NO. 2 OF 3 SHEETS

NG NO. 151351 -

